



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

\$

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/644,201

08/20/2003

Jason Knaus

PERZ 2 00269

5740

7590

05/04/2004

Christopher B. Fagan
Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2518

EXAMINER

WILSON, GREGORY A

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,201	Applicant(s) KNAUS, JASON	
	Examiner Gregory A. Wilson	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 7-10, 12, 15-17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 14, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Nickel (4,286,573)**. **Nickel** discloses a heat trap assembly (SEE Figure 2) including a housing having a fluid inlet and a fluid outlet (10, 12, 22), a spherical sealing member (17) which covers the inlet of the housing including a first tail-like portion (18) that inherently restricts rotational movement of the sealing member in both the x & z axes, and a second portion (16) which restricts rotation about the y-axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nickel (4,286,573) in view of Thompson (1,173,620)**. **Nickel** discloses a heat trap assembly (SEE Figure 1) including a cage (15) with curved ribs

Art Unit: 3749

and having an opening defining a fluid outlet, a seat (13) opposite to the opening that defines the fluid outlet, the seat (13) including an opening that defines a fluid inlet, and a sealing member (14) trapped between the both openings. **Nickel** does teach in a separate embodiment, a post (18) but is not in conjunction with the configuration utilizing cage (15). **Thompson** teaches a post (tail portion) attached to a spherical sealing member. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified the sealing member of **Nickel** to include a post (tail portion) as taught by **Thompson** for the purpose of preventing rotational movement of the sealing member.

Response to Arguments

Applicant's arguments, filed 4/8/04, with respect to claims 1-3, 5, and 6 have been fully considered and are persuasive. The rejection of claims 1-3, 5, and 6 has been withdrawn.

Applicant's arguments, filed 4/8/04, with respect to the rejection(s) of claim(s) 7-10 and 12 under **Nickel** (4,286,573) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Nickel** in view of **Thompson** (1,173,620).

Applicant's arguments filed 4/8/04 as they pertain to claims 15-17 & 20 have been fully considered but they are not persuasive. The applicant states that nowhere does the specification disclose restricting rotational movement, the Examiner

respectfully disagrees and directs the applicants attention to Figure 2 of Nickel (4,286,573) which clearly show the arms of catch (16) which when engaged with outer end (20, 22) would prevent rotation about the Y-axis. This is suggested in column 3, lines 44-51). The length of rod (18) itself as it is positioned within the heat trap, inherently restricts rotation about the X & Z axes. Regardless of it's intended use, this configuration structurally anticipates the applicants' invention and could function in the same way.

Allowable Subject Matter

Claims 1-3, 5 and 6 are allowed.

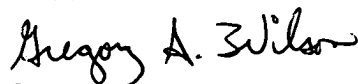
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (703) 308-1239. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GREGORY WILSON
PRIMARY EXAMINER



Gaw

May 3, 2004